



U.S. Department of Commerce
National Oceanic and Atmospheric Administration



U.S. Environmental Protection
Agency

Mr. Jim Rue, Director
Department of Land Conservation and Development
635 Capitol St. NE, Suite 150
Salem, Oregon 97301-2540

Mr. Dick Pedersen, Director
Department of Environmental Quality
811 SW 6th Avenue
Portland, Oregon 97204-1390

Commented [CJ1]: Are these the correct addressees? Should this letter go directly to the Governor's Office?

Dear Directors Rue and Pedersen:

~~Enclosed please find Options for Oregon to Satisfy its CZARA Requirement to Adopt Additional Management Measures for Forestry document.~~ As you know, on January 30, 2015, the National Oceanic and Atmospheric Administration (NOAA) and the U.S. Environmental Protection Agency (EPA) found that Oregon had ~~not failed to~~ submitted a fully approvable coastal nonpoint program under Section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA). NOAA and EPA found there were several gaps in Oregon's ~~program related to developing additional~~ management measures for forestry. It is our understanding that Oregon is interested in closing these gaps in forestry management measures and with this letter we are transmitting a summary of ways in which the State may choose to do so.

Commented [PC2]: This is not the title of the "gaps" document.

The enclosed document titled "Options for Closing the Gap on Forestry Management Measures" provides an overview of some of the options ~~that~~ Oregon could consider ~~in order to close the gap and satisfy address~~ the additional management measures for forestry ~~condition~~. It is designed as a starting point for further conversations among NOAA, the EPA and relevant state agencies to help achieve this goal. This document describes how Oregon may ~~choose to~~ strengthen and expand its forest management measures within its coastal nonpoint management area in ways that will achieve a healthier, more resilient coastal environment and ~~meet satisfy~~ CZARA statutory objectives.

Next Steps

~~The As~~ deadlines for negotiating FY 2015 Coastal Zone Management Act Section 306 and Clean Water Act Section 319 funding ~~draw grow~~ near (the end of April for NOAA's coastal zone management program funding). It would be helpful to the federal agencies to receive written confirmation from the State by April 15, 2015 - need a written commitment by [what date?] that that Oregon intends to strengthen ~~its forestry and expand its forest~~ management measures ~~and thereby~~ address the gaps. As you know, closing the gaps on forestry is a critical step to achieve a to achieve a fully approvable coastal nonpoint program under CZARA. (b) (5)

Commented [AC3]: Do we want to emphasize the urgency?

Commented [CJ4]: Do we want to include a date or a time frame? If so, what is a reasonable date? Does this commitment need to come from the Governor's Office or a specific state agency or agencies? Should we ask for the State to provide a list of staff and managers assigned to this effort?

Commented [WJ5R4]: I think a date is a good idea. I think it needs to come from the Governor's Office, which represents the State of Oregon.

Commented [AC6]: Should be specific related to all 4 issues?

Commented [CJ7]: If we decide we want Oregon to provide a formal commitment to work with us on as well.

During this spring ~~and summer~~, the federal agencies ~~are prepared to engage in envision~~ a series of conversations with the relevant state agencies to assist the State in developing a plan to address the gaps in forestry. Ideally these ~~These~~ conversations ~~would~~ lead to the development of a more detailed strategy, complete with interim milestones and expected dates for meeting those milestones that Oregon would ~~then~~ provide to NOAA and EPA by fall 2015. ~~The plan would also - As part of such a plan, it would be helpful to know indicate~~ whether Oregon intends to use a voluntary or regulatory approach (or a combination of both) to ~~address meeting the specific the~~ additional

management measure requirements for riparian protection for small and medium fish-bearing streams and non-fish-bearing streams, management of forestry roads, protection of landslide-prone areas, and the protection of non-fish bearing streams during the aerial application of herbicides. As a kick off for this effort, the federal agencies would like to set up a half day meeting in Portland or Salem, Oregon with relevant state agencies during late April or May. ~~We are already working with staff to arrange but please~~ Please have your staff contact Jayne Carlin at carlin.jayne@epa.gov or (206) 553-8512 regarding the logistical arrangements.

Commented [AC8]: I don't think we should wait for them to reach out to us after receiving this letter but should be moving forward now to arrange the meeting (aren't we doing that already?)

Our January 30, 2015, disapproval decision was solely based on forestry. As NOAA and EPA work with Oregon on forestry, we are also interested in engaging in dialogue with the State on the comments we received on Oregon's agricultural measures. We sought public comment on the agricultural measures but did not formally propose a decision that included the agricultural measures. When the time comes to propose a decision on the entirety of Oregon's coastal nonpoint program, we would like to have the most current and accurate information on the State's programs, including the agricultural management measures. (b)(5) Deliberative

[Redacted content]

(b)(5) Deliberative

NOAA and EPA recognize the challenges Oregon faces in developing a fully approvable coastal nonpoint program and we are committed to continuing to work with you and your staff to achieve this goal. If you have any questions, please contact Jeff Payne at (846) 740-1207 or Dennis McLerran at (206) 553-1234; or have your staff contact Joelle Gore (NOAA) at (301) 563-1178, or Christine Psyk (EPA) at (206) 553-1906.

Sincerely,

Jeff Payne, Acting Director
Office for Coastal Management
National Oceanic and Atmospheric
Administration

Dennis McLerran, Regional Administrator
Region 10
U.S. Environmental Protection Agency

Enclosure: ~~Options for Oregon to Satisfy its CZARA Requirement to Adopt Additional Management Measures or Forestry Options for Closing the Gap on Forestry Management Measures~~

cc: Mr. Richard Whitman, Oregon Governor's Office
Mr. Doug Decker, Oregon Department of Forestry

Commented [CJ10]: Any other cc's? NOAA and EPA staff would be included in bcc's.

Mr. Peter Daugherty, Oregon Department of Forestry

Ms. Katy Coba, Oregon Department of Agriculture

Ms. Patty Snow, Oregon Department of Land Conservation and Development

Mr. Eugene Foster, Oregon Department of Environmental Quality

Commented [CJ11]: If we include agriculture MMs...